

Application Serial No.: 09/830,851  
Amendment dated November 25, 2003  
Reply to Office Action dated August 25, 2003

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 14-25 and 31 are presently active in this case, Claims 14, 17, 19, and 23-25 having been amended and Claim 31 having been added by way of the present Amendment. Claims 1-13 and 26-30 have been canceled without prejudice or disclaimer.

In the outstanding Official Action, Claim 17 was objected to for a minor informality. Claim 17 has been amended to change "shall" to "shell" as suggested in the Official Action. Accordingly, the Applicants request the withdrawal of the objection to Claim 17.

Claims 14-24 and 26-30 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 14, 19, and 23 have been amended, and Claim 26 has been canceled without prejudice or disclaimer. The Applicants submit that amended Claims 14, 19, and 23 are in proper form, and satisfy the requirements of 35 U.S.C. 112, second paragraph. Accordingly, the Applicants request the withdrawal of the indefiniteness rejections.

Claims 14-15, 17-19, 21-27, and 29-30 were rejected under 35 U.S.C. 102(b) as being anticipated by Efferding (U.S. Patent No. 5,063,299). Claims 16, 20, and 28 were rejected under 35 U.S.C. 103(a) as being unpatentable over Efferding. For the reasons discussed below, the Applicants request the withdrawal of the art rejections.

The Applicants submit that a *prima facie* case of obviousness cannot be established in the present case because (1) the reference does not teach or suggest all of the claim limitations, and (2) there is no suggestion or motivation to modify the reference.

Independent Claim 14 recites, among other features, a cask comprising a cylindrical shell main body having a cavity inside, and a basket having an angular cross section that is structured by a plurality of angular pipes, wherein a cross section of the cavity is matched with the angular cross section of the basket. Independent Claim 19 recites, among other features, a cask comprising a cylindrical shell main body having a cavity inside, and a basket that has latticed cells structured by a plurality of angular pipes, wherein a shape of either one of an inner surface of the cavity and an outer surface of the basket is matched with the shape of the other. Independent Claim 25 recites, among other features, a cask comprising a basket having a plurality of latticed cells constructed by bundling a plurality of angular pipes, and a cylindrical shell main body having a cavity and having plane portions inside of the cavity that match an external shape of the basket. The Applicants respectfully submit that the Efferding reference does not teach or suggest the casks recited in Claims 14, 19, and 25 of the present application.

The Efferding reference does not teach a cask having a cylindrical shell main body, but rather the Efferding reference teaches a cask that is rectangular in shape. (See Figures 1 and 3A, and column 4, lines 58-66.) The Efferding reference specifically teaches away from the use of a cask having cylindrical walls due to perceived disadvantages of such structures. (See column 2, line 34, through column 3, line 12.) Accordingly, the Efferding reference teaches the use of a storage cask (1) having a complex construction that includes planar wall

plate members (23)(Fig. 3A) or laminated, planar wall plate members (33a, 33b, 33c)(Fig. 3B). The various joints necessary to construct the cask (1) create a large number of possible failure or leakage points and require extensive manufacturing processes in order to construct the cask (1).

The present invention has solved the problems associated with conventional cylindrical casks, without changing the shape of the cask to a rectangular structure. Accordingly, the Applicants submit that the Efferding reference not only does not teach the inventions recited in Claims 14, 19, and 25, but also the Efferding reference does not suggest such inventions.

The subject of the present invention is to provide a solution to realize a cask having improved thermal conductivity and higher accommodation capacity, being compact in size and light in weight, when a cylindrical shell main body and a basket having an angular cross section that is structured by a plurality of angular pipes as disclosed at page 1, lines 9 to 12. In order to provide the solution, the feature of the present invention is that the cask comprises a cylindrical shell main body having a cavity inside, and a basket having an angular cross section that is structured by a plurality of angular pipes, wherein a cross section of the cavity is matched with the angular cross section of the basket.

However, what the Efferding reference describes is a combination of a shell main body having a substantially rectangular cross section and a basket having a rectangular cross section. Thus, the Efferding reference fails to disclose or teach the subject of the present invention, and does not disclose the feature of the present invention.

Application Serial No.: 09/830,851  
Amendment dated November 25, 2003  
Reply to Office Action dated August 25, 2003

Claims 15-18, and 20-24 are considered allowable for the reasons advanced for the independent claims from which they depend. Additionally, the Applicants note that the Efferding reference does not teach or suggest auxiliary shielding units as recited in Claims 17 and 21, or integrated angular pipes as recited in Claims 18, 22, and 24.

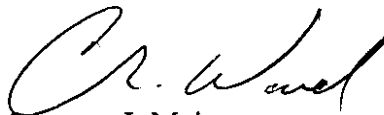
Accordingly, the Applicants respectfully request the withdrawal of the art rejections.

The Applicants further submit that the Efferding reference does not disclose all of the limitations recited in new independent Claim 31, for reasons similar to those discussed above with respect to Claims 14, 19, and 25.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Gregory J. Maier  
Registration No. 25,599  
Attorney of Record

Christopher D. Ward  
Registration No. 41,367

Customer Number

**22850**

Tel. (703) 413-3000  
Fax. (703) 413-2220  
(OSMMN 10/01)

GJM:CDW:brf  
I:\atty\cdw\206338US2 PCT\am1.doc